

## **Board of County Commissioners Agenda Request**

Date of Meeting: July 22, 2003

Date Submitted: July 16, 2003

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator  
Gary W. Johnson, Director, Growth and Environmental Management

Subject: Ratification of Board Actions Taken at the July 8, 2003 Workshop on  
Sunsetting Vested Development Rights

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### **Statement of Issue:**

Ratification of Board actions taken at the July 8, 2003 Workshop on Sunsetting Vested Development Rights.

### **Background:**

At the Board's April 29, 2003 meeting, Staff was directed to conduct a workshop on the proposed sunsetting of vested development rights for unbuilt developments in the unincorporated County. The Board's direction was the result of a draft ordinance regarding the termination of vested development rights that had been presented to the Board for consideration. A workshop on the sunsetting of vested development rights was conducted on July 8, 2003.

### **Analysis:**

At the July 8, 2003 workshop, Staff presented the following findings and recommendations to the Board regarding the sunsetting of vested development rights in the unincorporated County:

- In the unincorporated County, approximately 4,439 residential dwelling units and 1,422,283 square feet of non-residential land use are vested from the concurrency and consistency provisions of the Comprehensive Plan.
- Approximately 682 dwelling units and 929,000 square feet of non-residential land use in unincorporated Leon County is statutorily vested and, therefore, would not be impacted by the proposed sunsetting ordinance. This includes unbuilt development in previously approved Development of Regional Impact (DRIs).
- The remaining 3,757 dwelling units and 493,283 square feet of non-residential land use would be subject to the proposed sunsetting of vested development rights ordinance.

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- Of the 373 roadway segments (peak and non-peak directions) that comprise the County's Concurrency Management system, 57 segments (15%) are significantly affected and/or constrained by "paper" or "phantom" trips associated with vested, unbuilt developments, and 9 segments (2%) are presently constrained due to existing traffic counts and would not be impacted by the proposed ordinance.
- Within the City of Tallahassee, over 15,000,000 square feet of non-residential development and over 5,000 dwelling units are vested from concurrency and consistency provisions of the Comprehensive Plan. The City adopted a sunsetting of vested development rights ordinance on June 26, 2002, which will become effective on October 1, 2003.

At the workshop, Staff presented the two (2) following options for addressing the issue of sunsetting of vested development rights:

**Option #1**

The first option consists of amending the County's Concurrency Management Ordinance and implementing the Concurrency Management Policy and Procedures Manual to sunset vested development rights for only residential development. This would impact the County's transportation component of the Concurrency Management System in the following ways:

- The elimination of vested trips on the majority of the roads with approximately 37 segments (10%) receiving the greatest benefit.
- Major arterials and collectors in the northeastern and southeastern quadrants would benefit the most.
- The impact of vested trips from unbuilt, non-residential development would be limited to the segments in the immediate vicinity of the projects.
- Most of the segments in the vicinity of non-residential development are constrained due to existing traffic counts, with the remainder receiving a benefit from the elimination of residential reservation.
- There would be no change in the current way property owners obtain permits for the construction of single family homes other than minor internal processing changes.
- Vested, non-residential property owners would not be impacted.

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**Option #2**

The second option is to proceed with the adoption of the proposed sunsetting of vested development rights ordinance generally consistent with the approach taken by the City of Tallahassee. This would impact the County's transportation component of the Concurrency Management System in the following ways:

- The elimination of vested trips would benefit (improve on paper) every roadway segment in the County's Concurrency Management System with 45 segments (12%) receiving the greatest benefit. The same 9 segments (2%) noted above would receive no benefit.
- Major arterials and collectors throughout Leon County would benefit (on paper) to some degree.
- There would be no change in the current way property owners obtain permits for the construction of single family homes other than minor internal processing changes.
- Previously vested and unbuilt, non-residential development would be limited to the roadway capacity available as reflected in the County's Concurrency Management System.

The Board directed Staff to implement the proposed Option #1 as outlined above. The Board's direction also included providing the proposal to the MPO's Technical Coordinating Committee for review and comment prior to bringing the proposed ordinance amendments and policy and procedures revisions back to the Board for approval to proceed with the ordinance adoption process. The Concurrency Management Ordinance amendment and process would include review by the Planning Commission for a Comprehensive Plan consistency determination, and two (2) Public Hearings before the Board.

**Options:**

1. Ratify the Board actions taken at the July 8, 2003 Workshop on the Sunsetting of Vested Development Rights as outlined above.
2. Do not ratify the Board action taken at the July 8, 2003 Workshop on the Sunsetting of Vested Development Rights as outlined above.
3. Board Direction.

**RECOMMENDATION:**

Option #1.